THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Second Appeal No. 1420 of 2001
(Old Second Appeal No. D-96 of 1984)

Ved Prakash son of Sri Babu Ram, Resident of Mohalla Nazibabad, Road Kotdwar, District Garhwal. (Plaintiff)

….. Appellant

Versus

1. State of U.P. through Collector, Garhwal.
2. Zila Krishi Adhikari Pauri Garhwal.
3. Up Nirdeshak, Krishi Vighag Pauri Garhwal.

… Respondents.

Sri Rajendra Dobhal, learned counsel for the plaintiff-appellant.
Sri Nand Prasad, learned Standing Counsel for the State-respondents.

Dated November 08, 2006.

Hon'ble B.S. Verma, J.

(Delay Condonation Application No. 7784 of 1984)

Heard learned counsel for both the parties and perused the record as well as the application for condoning the delay in filing the appeal.

This Second appeal has been filed against the judgment and decree dated 6-8-1983 passed by the Civil Judge, Pauri Garhwal, whereby the appeal preferred by the plaintiff was party allowed and the judgment and decree dated 15-9-1982 passed by Munsif Pauri Garhwal in Civil Suit No. 7 of 1981 Ved Prakash Vs. State of U.P. and others. There has been delay in filing the appeal for more than four months.

The appellant filed the Second Appeal along with delay condonation application before the Allahabad High Court. From a perusal of the memo of appeal, it is clear that the ground taken by the appellate touch the findings of fact, which stands concluded by the appellate court judgment as well as by the judgment and decree of the trial court. No substantial question of

law is involved in the second appeal. Moreover, there is delay of more than 130 days in filing the appeal for which no congent and satisfactory explanation has come forward in the affidavit filed by the plaintiff-appellant and there is no ground to condone the delay in filing the appeal. The appeal is also barred by limitation.

For the reasons aforesaid, the appeal is hereby dismissed in-limine.

(B.S. Verma, J.)

RCP